

Service Date: December 5, 1977

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

IN THE MATTER OF the APPLICATION by)	UTILITY DIVISION
THE MONTANA POWER COMPANY for)	
authority to increase rates for electric and)	DOCKET NO. 6348
natural gas service and requesting approval)	ORDER NO. 4220D
of certain changes in the regulations covering)	
such service.)	

FINDINGS OF FACT

1. On November 4, 1977, the District Court for the First Judicial District of the State of Montana issued an Order in the appeal by the Anaconda Company and Ideal Cement Company of this Commission's Order 4220C in this Docket. Judge Meloy's Order found that the Commission had before it no evidence of record upon which to base the volumetric revenue allocation directed by Order 4220C. The Court held that "because the record is devoid of evidence sufficient to support the allocation imposed by the Commission order, the Commission is directed to allocate on the basis of the status quo prior to the entry of Order 4220C, and such allocations shall apply until the Commission, if it so decides, shall re-open the proceedings and receive evidence sufficient to support a different allocation method if such evidence is available."

2. That Montana Power Company on the 14th day of October, 1976, made a further application to this Commission for an additional rate increase, which application was assigned Docket No. 6454. That said Docket No. 6454 has been heard and briefed and is now in the process of being decided.

3. That the issue of revenue allocation has arisen in Docket No. 6454, and can be dealt with in that Docket.

4. That the taking of additional evidence and allowing of an opportunity for parties to brief in Docket No. 6348 could not be completed prior to a decision on Docket No. 6454.

CONCLUSIONS OF LAW

1. Applicant is a public utility furnishing electric and natural gas service to consumers in this state. Applicant's service and rates are subject to the regulatory jurisdiction of this Commission.

2. The entry of this Order, and the approval of the tariffs to be submitted in response hereto, bring the Commission into full compliance with Judge Meloy's order. The entry of this Order brings Docket No. 6348 to a close.

ORDER

THE MONTANA PUBLIC SERVICE COMMISSION ORDERS THAT:

1. Applicant is ordered to submit to the Commission for approval rate schedules effective with meter readings on and after December 1, 1977, which will generate the revenues previously granted in Commission Order 4220C. The rate schedules shall allocate the revenue increase on a uniform percentage basis with the exception of revenues required to offset increased purchase gas costs as set forth in the previous Orders of the Commission.

DONE IN OPEN SESSION this 1st day of December, 1977, by a vote of 4-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

GORDON E. BOLLINGER, Chairman

P.J. GILFEATHER, Commissioner

THOMAS J. SCHNEIDER, Commissioner

JAMES R. SHEA, Commissioner

ATTEST:

Gail E. Behan

Secretary

(SEAL)

NOTICE: You are entitled to judicial review of this Order. Judicial review may be obtained by filing within thirty (30) days from the service of this Order a petition for review pursuant to Section 82-4216, R.C.M. 1947.